

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**PORTILLO'S HOT DOGS, LLC**

**Employer**

**and**

**Case 13-RC-313847**

**INTERNATIONAL ASSOCIATION OF BRIDGE,  
STRUCTURAL, ORNAMENTAL AND  
REINFORCING IRON WORKERS, AFL-CIO**

**Petitioner**

**ORDER DIRECTING HEARING AND  
NOTICE OF HEARING ON OBJECTION**

Based on a petition filed on March 10, 2023 and pursuant to a Stipulated Election Agreement, an election was conducted on April 13, 2023 to determine whether a unit of employees of Portillo's Hot Dogs, LLC (Employer) wish to be represented for purposes of collective bargaining by International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, AFL-CIO (Petitioner). That voting unit consists of:

Included: All full-time and regular part-time Production Associates, Forklift Operators, HACCP Coordinators, FSQA Associate, Plant Mechanic, Crew Chiefs, and temporary employees in these classifications, employed by the Employer at its facility currently located at 380 South Rohlwing Road, Addison, Illinois.

Excluded: All other employees, salaried employees, office clerical employees and guards, professional employees and supervisors as defined in the Act.

The tally of ballots prepared at the conclusion of the election shows that of the approximately **48** of eligible voters, **28** votes were cast for and **20** votes were cast against the Petitioner, with **zero** challenged ballots, a number that is not sufficient to affect the results of the election.

**THE OBJECTION**

On April 19, 2023, the Employer filed a timely objection to conduct affecting the results of the election. A copy of the objection is attached to this Order.

**CONCLUSION AND ORDER**

I have concluded that the evidence submitted by the Employer in support of its objection could be grounds for overturning the election if introduced at a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, IT IS ORDERED that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised by the objection. At the hearing, the parties will

have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations as to the disposition of the objection.

### **NOTICE OF HEARING**

Starting at **9:00 a.m. Central Time (CT)** on **May 4, 2023**, at 219 South Dearborn Street, Suite 808, Chicago, Illinois, the hearing on objection as described above will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

Dated: April 25, 2023

*/s/ Angie Cowan Hamada*

Angie Cowan Hamada, Regional Director  
National Labor Relations Board, Region 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, Illinois 60604-2027

Attachment

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13

In the Matter of:

PORTILLO’S HOT DOGS, LLC,

Employer

and

INTERNATIONAL ASSOCIATION  
OF BRIDGE, STRUCTURAL,  
ORNAMENTAL AND  
REINFORCING IRON WORKERS,  
AFL-CIO,

Petitioner

Case 13-RC-313847

EMPLOYER’S OBJECTIONS TO THE  
CONDUCT OF THE ELECTION AND  
TO CONDUCT AFFECTING THE  
RESULTS OF THE ELECTION

Pursuant to Section 102.69 of the National Labor Relations Board’s Rules and Regulations, Portillo’s Hot Dogs, LLC, by its undersigned counsel, hereby objects to the election held at Portillo’s Food Service in Addison, Illinois on April 13, 2023 (the “Election”) pursuant to the petition filed by the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, AFL-CIO (“Union”) in the above-referenced case. The results of the Election were 28 votes cast for the Union, 20 votes cast against the Union, with zero challenged ballots. The Union’s conduct violated the National Labor Relations Act, was widely disseminated to at least 25 voting unit employees, interfered with freedom of choice, and adversely affected the outcome of the election. The Election results must thus be set aside and a new election run.

**OBJECTION NO. 1**

**The Union Promised Employees Work Permits, Green Cards, and Citizenship  
in Exchange for their Vote and for Joining the Union**

During the critical period preceding the Election and/or during the Election, the Union, through its officers, employees, agents, authorized representatives and others acting on its behalf

and/or with its apparent authority, actual or implied endorsement or ratification, promised voting unit employees on multiple occasions that: (a) the Union would give two-year work permits for employees if the Union was voted in; (b) if employees joined the Union then they could qualify for getting a two year work permit and the Union would help them get the permits; (c) the Union would provide employees with green cards in exchange for voting “Yes”; (d) employees could become American citizens if they voted “Yes” to the Union; and (e) the Union and Arise were already submitting for work permits for employees who attended the Union meeting.

\* \* \*

Portillo’s reserves the right to modify or supplement these objections. Portillo’s also is submitting separately a written offer of proof in the form described in Section 102.66(c) of the Board’s Rules and Regulations. Accordingly, for these reasons and any other reason required by law, the Employer respectfully requests that the Regional Director issue an order directing that a hearing be held to address the Employer’s objections.

Dated: April 19, 2023

Respectfully submitted,

**PORTILLO’S HOT DOGS, LLC**

By: /s/ Gregory H. Andrews  
One of Its Attorneys

Gregory H. Andrews  
Sarah J. Gasperini  
Jackson Lewis P.C.  
150 N. Michigan Ave., Suite 2500  
Chicago, Illinois 60601  
Telephone: (312) 787-4949  
Gregory.Andrews@jacksonlewis.com  
Sarah.Gasperini@jacksonlewis.com

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**PORTILLO'S HOT DOGS, LLC**

**Employer**

**and**

**INTERNATIONAL ASSOCIATION OF BRIDGE,  
STRUCTURAL, ORNAMENTAL AND  
REINFORCING IRON WORKERS, AFL-CIO**

**Case 13-RC-313847**

**Petitioner**

**ORDER RESCHEDULING HEARING**

**IT IS HEREBY ORDERED** that the hearing in the above-entitled matter is rescheduled from May 4, 2023, at 9:00 a.m. to **9:00 a.m. on Thursday, May 11, 2023**, at 219 S. Dearborn Street, Suite 808, Chicago, Illinois. The hearing will continue on consecutive days until concluded.

Dated: April 27, 2023

**/s/ Angie Cowan Hamada**

Angie Cowan Hamada, Regional Director  
National Labor Relations Board, Region 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, Illinois 60604-2027